(2010) 04 RAJ CK 0099

In the Rajasthan High Court

Pratap Singh — APPELLANT

Vs

Board of Revenue — RESPONDENT

Date of Decision : 05-04-2010

Acts Referred:

Citation : (2010) 3 WLN 1

Hon'ble Judges : Govind Mathur, J;C.M. Totla, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. To assail the judgment dated 1.4.2009 passed by learned Single Judge this special appeal is preferred. Briefly stated, facts of the case are that on 28.1.1977, a land was allotted to respondent Jetha Ram as per the provisions of Rajasthan Colonization (Allotment and Sale of Government Land in Indira Gandhi Nahar Pariyojana Colony Area) Rules, 1975. The allotment aforesaid was subsequently cancelled and that was challenged by respondent Jetha Ram by way of filing a revision petition before the Board of Revenue. The Board of Revenue accepted the same and remanded the matter for reconsideration to Collector, Bikaner. The Collector, Bikaner by Annexure-2 dated 21.4.1994 re-allotted the land to the respondent aforesaid. A challenge to the same was given by the present petitioner after a lapse of about 13 years. The Board of Revenue by its judgment dated 9.2.2002 dismissed the revision petition preferred by the petitioner with specific assertion that in a suit preferred by the present petitioner, a written statement was filed by respondent Jetha Ram, wherein he specifically stated that the land was duly allotted to him and that allotment was upheld by Collector, Bikaner on 21.4.1994. As such, the factum of allotment of land was in knowledge of the petitioner on the date the written statement was filed. Considering the revision petition barred by limitation learned Board of Revenue dismissed the same. The petition for writ preferred to challenge the judgment dated 9.2.2009 also came to be rejected on 1.4.2009. It is contended by learned Counsel for the appellant that the allotment made in favour of respondent Jetha

Ram is void ab initio, and therefore, the Board of Revenue should not have dismissed the revision petition on the count of delay.

2. We have examined the orders passed by the Board of Revenue as well as by learned Single Judge. It is not in dispute that the fact relating to allotment of land to the respondent Jetha Ram and its affirmation on 21.4.1994 was mentioned in the written statement submitted on behalf of Jetha Ram and as such that fact was within the knowledge of the petitioner on the day of filing the written. The permissible limit for filing a revision petition as per Rule 23(2) of the Rules of 1975 is of 60 days and the instant petition was filed after a lapse of about 13 years. As a matter of fact no reasonable explanation is submitted by the petitioner that prevented him in filing the petition within the limitation prescribed.

3. Looking to all the facts and circumstances of the case, we are not inclined to interfere with the matter. Accordingly, this special appeal is dismissed.